Crl. Misc.No.60488-M of 2006

...

Varinder Kumar Vs. State of Punjab

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Present : Mr. Sushil Saini, Advocate for the petitioner.
Mr. B.S. Baath, AAG, Punjab.

...

This order shall dispose of Crl.Misc.Nos.60488-M of 2006 and 61906-M of 2006.

The petitioners herein, namely; Varinder Kumar and Vaishno Dass and Vivek Kumar Saini, have inflicted injuries to Ramesh Pal, Suresh Pal, Anju Bala etc. The injuries inflicted by Varinder Kumar have been found to be simple, whereas injuries inflicted by Vaishno Dass were found to be grievous and with a sharp edged weapon. Vivek Kumar Saini is alleged to have inflicted an injury to the head of Anju Bala, punishable under Section 307 IPC.

Counsel for the petitioners contends that as the petitioners have been behind bars since 19.2.2006 i.e. a period of about nine months and as investigation is complete and challan has been presented, the petitioners be released on bail. It is further argued that the injured have not suffered any disability, permanent or otherwise and as the trial is likely to be protracted, the petitioners be released on bail.

Counsel for the State of Punjab states that as the petitioners inflicted serious injuries, as is apparent from the FIR and the medical record, they be denied bail. It is however, not denied on instructions from ASI, Ramesh Kumar, P.S. Taragrah, Distt.Gurdaspur that none of the injured have suffered any disability, permanent or otherwise.

I have heard learned counsel for the parties and perused the paper book.

The petitioners have been behind bars since 9.2.2006. Challan has been presented and 2 PWs have been examined. The injured have not suffered any disability, serious or otherwise, on account of the injuries. The prosecution has cited 22 witnesses and, therefore,the trial is likely to be protracted. The petitioners cannot be incarcerated indefinitely.

Counsel for the State of Punjab has not expressed any apprehension that if released on bail, the petitioners would subvert the trial and/or try to win over the witnesses.

Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

6.11.2006 (RAJIVE BHALLA)
GS JUDGE